

**CHARTER TOWNSHIP OF INDEPENDENCE
COUNTY OF OAKLAND, MICHIGAN**

Minutes of a regular meeting of the Board of Trustees of the Charter Township of Independence, County of Oakland, State of Michigan (the "Township"), held in said Township on the 19th day of May, 2009, at 7:30 p.m., Eastern Daylight Savings Time.

PRESENT: Board Members: David Wagner, Shelagh VanderVeen, Larry Rosso, Neil Wallace, Mark Petterson, Curt Carson and David Lohmeier

ABSENT: Board Members: None

WHEREAS, there has been presented to this meeting information concerning the acquisition of sanitary sewer interceptors and ancillary facilities from the City of Detroit as described in Exhibit B attached hereto, the proposed Oakland-Macomb Interceptor (the "Project"), and making improvements thereto, to assure continued wastewater transportation services to the Township; and

WHEREAS, it has been determined that the Project will not necessitate the levy of a special assessment, fee, or charge by the Township under Section 539 of Act No. 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"); and

WHEREAS, it has been determined to be advisable and necessary for the public health and welfare of the inhabitants of the Township that the Project be accomplished; and

WHEREAS, in order to accomplish the foregoing, it is necessary and desirable for the Township to petition the Director of the Department of Agriculture of the State of Michigan to acquire, locate, establish, construct, operate, maintain, repair, rehabilitate, extend, add relief drains, add branches and otherwise improve an intercounty drain pursuant to the provisions of Chapter 21 of the Drain Code, pursuant to the terms of the Petition to Establish Intercounty Drain in the form attached hereto as Exhibit A (the "Petition");

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Form of Petition Approved. The form and substance of the Petition attached hereto as Exhibit A is hereby approved, and the Supervisor and Clerk are hereby authorized and directed to execute and deliver the Petition to the Director of the Department of Agriculture of the State of Michigan, through The Oakland County Water Resources Commissioner, with only such changes, modifications or amendments as may have been approved by them.

2. Authorization of Other Actions. The Supervisor and Clerk, and each of them, are authorized and directed to take all actions necessary or desirable to facilitate the transactions contemplated by the Petition.

3. Subject to Assessments. The Township understands and agrees that it shall be subject to assessments to pay the cost of the drain, except for assessments made against other

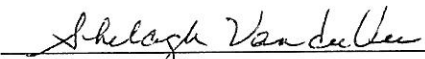
public corporations and public agencies and those costs defrayed by grants and funds awarded and received from the federal or state government.

4. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same hereby, are rescinded.

AYES: TOWNSHIP BOARD MEMBERS: Wagner, Rosso, Wallace, Petterson, Carson, Lohmeier, and VanderVeen

NAYS: TOWNSHIP BOARD MEMBERS: None

RESOLUTION DECLARED ADOPTED.


Shelagh Vanderveen, Township Clerk

State of Michigan)
)SS
County of Oakland)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Independence, County of Oakland, State of Michigan, at a regular meeting held on May 19, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 22 day of May, 2009.

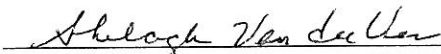

Shelagh Vanderveen, Township Clerk

EXHIBIT A

PETITION TO ACQUIRE, LOCATE, ESTABLISH, CONSTRUCT, OPERATE, MAINTAIN, EXTEND, ADD RELIEF DRAINS, ADD BRANCHES AND OTHERWISE IMPROVE AN INTERCOUNTY DRAIN

To: Director of the Department of Agriculture of the State of Michigan, through the Oakland County Water Resources Commissioner

The Township of Independence, County of Oakland, State of Michigan, hereby petitions the Director of the Department of Agriculture of the State of Michigan, through the Oakland County Water Resources Commissioner, to acquire, locate, establish, construct, operate, maintain, repair, rehabilitate, extend, add relief drains, add branches and otherwise improve an intercounty drain, the proposed Oakland-Macomb Interceptor, (the "Project") pursuant to the provisions of Chapter 21 of Act No. 40, Public Acts of Michigan, 1956, as amended, MCL 280.1 *et seq.* (the "Drain Code") for the purpose of acquiring sanitary sewer interceptors and ancillary facilities from the City of Detroit and making improvements thereto, as described in the attached Exhibit B (the "Project"). This petition is filed pursuant to the provisions of Section 513 of the Drain Code, MCL 280.513. The location and route of the proposed intercounty drain is described on Exhibit B.

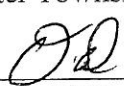
Your petitioner respectfully shows that it is advisable and necessary for the public health and welfare of the inhabitants of the Township of Independence that the Project be accomplished. The Township understands and agrees that it shall be subject to assessments to pay the cost of the drain, except for assessments made against other public corporations and public agencies.

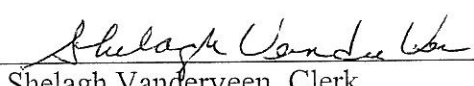
Your petitioner further respectfully requests that the Director of the Department of Agriculture of the State of Michigan take all actions necessary or desirable under the Drain Code to facilitate the accomplishment of the Project.

There is attached to this petition a certified copy of a resolution duly adopted by the Board of Trustees of the Charter Township of Independence authorizing the affixing of its signature to this petition by its Supervisor and Clerk.

Charter Township of Independence

By:


David Wagner, Supervisor


Shelagh Vanderveen, Clerk

Dated: May 22, 2009

EXHIBIT B

Description of Wastewater Facilities to be Acquired, Located, Established, Extended, Operated, Maintained, Repaired, Rehabilitated, Extended, Add Relief Drains, Add Branches and Otherwise Improve

The wastewater facilities to be acquired consist of sanitary sewers and ancillary facilities constructed by the city of Detroit to serve Oakland County and Macomb County, the proposed Oakland-Macomb Interceptor, consisting of the Edison Corridor Interceptor constructed in 1969 under contracts PCI-5, PCI-6 and PCI-7, Oakland Arm Interceptor, constructed in 1970-1972 under contracts PCI-8, PCI-9, PCI-10A and PCI-10B and Avon Arm Interceptor, constructed in 1974 under contracts PCI-11A and PCI-11B.

Location and Route of Proposed Oakland-Macomb Interceptor Drain

The proposed route of the Oakland-Macomb Interceptor Drain shall be established in present right-of-way (R.O.W.) owned or controlled by the City of Detroit in municipalities of Warren, Sterling Heights, and the Township of Shelby in Macomb County and the city of Rochester Hills in Oakland County being generally described as Beginning in the City of Warren on the north R.O.W. line of 8 Mile Road 210 feet west of the common Section 34 and 35 section line in Warren; thence northeasterly in the Grand Trunk Western Railroad (GTWRR) R.O.W. in Sections 34 and 35 for a distance of 5,055 feet, thence continuing northeasterly 405 feet outside the GTWRR R.O.W.; thence due north across 9 Mile Road to the International Transmission Company (ITC) corridor (formerly known as Detroit Edison – Stephens Station from Stephens Road to 10 Mile Road and the Detroit Edison – Jewell Stephens corridor north of 10 Mile Road) in Section 26 to the Stephens Road north R.O.W. line a distance of 3,155 feet; thence continuing north in the ITC corridor a distance of 1,890 feet; thence northeasterly a distance of 900 feet in the ITC corridor to the north R.O.W. line of 10 Mile Road in Section 23; thence north in the ITC corridor a distance of 21,649 feet to the south limit of the City of Sterling Heights; thence

continuing north in the ITC corridor a distance of 5,074 feet to the Oakland Arm connection; thence northwesterly 270 feet to a manhole in 15 Mile Road R.O.W.; thence west in the 15 Mile Road R.O.W. a distance of 2,730 feet to a point on the west side of Dodge Park Road R.O.W. 140 feet north of the 15 Mile Road centerline; thence north in the Dodge Park Road R.O.W. 14,500 feet to the centerline of Utica Road R.O.W.; thence northwesterly in Utica Road R.O.W. 14,652 feet to a point south of M-59; thence north 131 feet to the Avon Arm connection from the west; thence north across M-59 west of the GTWRR (formerly Penn Central) for a distance of 1,936 feet to a point on the centerline of the railroad; thence north on the west side of the railroad 1,093 feet to a point on the south property line of River Bend Park (RBP) owned by the Township of Shelby and formerly known as the Rochester-Utica State Recreation Area; thence in a northwesterly direction across the RBP 5,715 feet; thence north across the RBP 1,200 feet; thence northwesterly across the RBP 3,159 feet to a point on the north property line of the RBP; thence northwesterly across private easements 1,691 feet; thence west 719 feet; thence northwesterly 316 feet; thence north 176 feet; thence northwesterly 194 feet; thence west-northwest 725 feet to the centerline of Ryan Road; thence northwesterly 1,023 feet; thence west 729 feet; thence northwesterly 1,008 feet; thence north 1,471 feet; thence northwesterly 2,148 feet to the Clinton River crossing; thence continuing northwesterly 467 feet; thence west-southwest 450 feet; thence northwesterly 109 feet to the Macomb County/Oakland County boundary in Dequindre Road R.O.W.; thence northwesterly across Dequindre Road and continuing along the northwesterly side of Dequindre Road in Oakland County for 917 feet.

The branch to the Oakland-Macomb Interceptor known as the Avon Arm is generally described as beginning 105 feet south of M-59 centerline 60 feet east of the Utica Road overpass; thence

west to a point 2,964 feet west of Ryan Road centerline; thence northwesterly across M-59 603 feet; thence west-northwest 625 feet; thence northwesterly 1,170 feet; thence west 421 feet to a point 135 feet west of the Macomb/ Oakland County boundary. See Exhibit C for drawing of Interceptor route and location.

OAKLAND-MACOMB INTERCEPTOR Exhibit "C"

